



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

July 6, 2018

System No. 3610850

Bill Barella, Correction Plant Manager II  
California Institution for Men  
14901 Central Avenue  
Chino, CA 91710  
bill.barella@cdcr.ca.gov

### CITATION NO. 05-13-18C-016

### NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION FOR MAY 2018

Enclosed is Citation No. 05-13-18C-016 (hereinafter "Citation"), issued to the California Institution for Men (hereinafter "CIM"), public water system. Please note there are legally enforceable deadlines associated with this Citation.

The CIM will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order.

The CIM will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the CIM for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

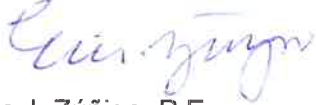
464 W. 4th Street, #437, San Bernardino, CA 92401 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact Amy Kaur of my staff at (909) 383-5289.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric J. Zúñiga".

Eric J. Zúñiga, P.E.  
District Engineer  
San Bernardino District  
Southern California Field Operations Branch

Enclosures

Certified Mail No. 7006 2150 0004 3940 8560

cc: Lawrence Dimock, [lawrence.dimock@cdcr.ca.gov](mailto:lawrence.dimock@cdcr.ca.gov)

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** California Institution for Men

**Water System No:** 3610850

**Attention:** Bill Barella, Correctional Plant Manager II

California Institution for Men

14901 Central Avenue

Chino, CA 91710

**Issued:** July 6, 2018

COMPLIANCE CITATION FOR NONCOMPLIANCE  
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431

NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION

MAY 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section

1 116270), or any regulation, standard, permit, or order issued or adopted  
2 thereunder.

3  
4 The State Water Board, acting by and through its Division of Drinking Water  
5 (hereinafter "Division"), and the Deputy Director for the Division, hereby  
6 issues Citation No. 05-13-18C-016 (hereinafter "Citation") pursuant to Section  
7 116650 of the CHSC to California Institution of Men (hereinafter "CIM"), for  
8 violation of CHSC, Section 116555(a)(1) and California Code of Regulations  
9 (hereinafter "CCR"), Title 22, Section 64431 Maximum Contaminant Levels  
10 (hereinafter "MCL") – Inorganic Chemicals.

11  
12 A copy of the applicable statutes and regulations are included in Appendix 1,  
13 which is attached hereto and incorporated by reference.

#### 14 15 **STATEMENT OF FACTS**

16 The CIM is classified as a community public water system with a population  
17 of 10667, serving 1912 connections. The CIM operates under Domestic Water  
18 Supply Permit No. 04-91-10 issued by the Department of Health Services on  
19 October 25, 1991.

20  
21 The State Water Board received laboratory results for two nitrate samples  
22 collected on May 16, 2018 and May 18, 2018 from the treatment plant effluent.  
23 The samples showed nitrate concentrations of 47.0 and 16.6 milligrams per  
24 liter (hereinafter "mg/L"). The average nitrate concentration from the two  
25 samples was 31.8 mg/L. A summary of the CIM's most recent nitrate  
26 monitoring results are presented in Table 1 below:

Table 1 – Treatment Plant Effluent Nitrate Sample Results

Sample Date	Result (mg/L)	Type of Sample
5/14/2018	4.90	Weekly
5/16/2018	47.0	Initial
5/18/2018	16.6	Confirmation
5/21/2018	4.72	Weekly
5/23/2018	6.45	Weekly

The CIM received notification from the laboratory of the nitrate exceedance on May 24, 2018. Notification to the public of the nitrate violation was performed by the CIM on June 6, 2018. The Tier 1 notice was not posted within 24 hours of being notified in conformance with CCR, Title 22, Section 64463.1(b). The water treatment plant was not operated in accordance with the decisions of the designated chief operator for CIM.

#### DETERMINATION

CCR, Title 22, Section 64431, Monitoring Contaminant Levels – Inorganic Chemicals states that public water systems shall comply with the primary MCLs established in table 64431-A (see Appendix 1). The MCL for nitrate is 10 mg/L.

As soon as possible within 24 hours after learning of any of the violations or being notified by the State Board that it has determined there is a potential for adverse effects on human health, the water system shall give public notice pursuant to CCR, Title 22, Section 64463.1(b).

The chief operator shall have overall responsibility for the day-to-day, hands-on, operation of a water treatment facility or distribution system pursuant to CCR, Title 22, Section 63750.25.

1 Based on the above Statement of Facts, the State Water Board has  
2 determined that the CIM has failed to comply with primary drinking water  
3 standards pursuant to CHSC, Section 116555(a)(1), the nitrate MCL,  
4 consumer notification, and operation of a water treatment plant pursuant to  
5 CCR, Title 22, Sections 64431, 64463.1(b), and 63750.25.

### 6 7 **DIRECTIVES**

8 To ensure that the water supplied by the CIM is at all times safe, wholesome,  
9 healthful, and potable, the CIM is hereby directed to take the following actions:

- 10  
11 1. On or before **July 28, 2018**, comply with CCR, Title 22, Section 64431.

12 **THE CIM ALREADY FULFILLED THIS DIRECTIVE AND WAS**  
13 **DISTRIBUTED ON JUNE 6, 2018.** A copy of the notice is included in  
14 **Appendix 2.**

- 15  
16 2. Complete Appendix 3: Certification of Completion of Notification Form.

17 Submit it together with a copy of the public notification conducted in  
18 compliance with Directive No. 3, to the State Water Board within 10  
19 days following each notification. **THE CIM ALREADY FULFILLED**  
20 **THIS DIRECTIVE AND SUBMITTED THE FORM ON JUNE 6, 2018.**

21 A copy of the compliance certification is included in **Appendix 3.**

- 22  
23 3. Prepare for State Water Board approval, a Corrective Action Plan,  
24 identifying improvements to the water system designed to correct the  
25 water quality problems identified as an exceedance of the nitrate MCL  
26 and ensure that the CIM delivers water to consumers that meets  
27 primary drinking water standards. The plan shall include the following  
28 but not limited to how decisions are made on plant shutdown, how salt

deliveries will be managed, and how water conservation could be implemented to avoid an exceedance of the nitrate MCL. The CIM shall submit the Corrective Action Plan no later than **August 10, 2018**.

4. Notify the State Water Board in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the CIM anticipates it will not timely meet such performance deadline.

5. The CIM shall include this violation in the 2018 Consumer Confidence Report in accordance with CCR, Title 22, Section 64481(d)(3).

All submittals required by this Citation, with exception of analytical results, shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Eric J. Zúñiga, P.E., Senior Water Resource Control Engineer  
State Water Resources Control Board  
Division of Drinking Water, San Bernardino District  
464 W. 4th Street, Suite 437  
San Bernardino, CA 92401  
[Dwpdist13@waterboards.ca.gov](mailto:Dwpdist13@waterboards.ca.gov)

The State Water Board reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.



Nothing in this Citation relieves the CIM of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

### **PARTIES BOUND**

This Citation shall apply to and be binding upon the CIM, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

### **SEVERABILITY**


The directives of this Citation are severable, and the CIM shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

### **FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an



order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.



Eric J. Zúñiga, P.E.



Date

District Engineer

San Bernardino District

Southern California Field Operations Branch



Appendices (3):

1. Applicable Statutes and Regulations
2. Completed Public Notification
3. Completed Compliance Certification Form

Certified Mail No. 7006 2150 0004 3940 8560

# Appendix 1

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**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR  
Citation No. 05-13-18C-016  
Nitrate Maximum Contaminant Level Violation**

*NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.*

**California Health and Safety Code (CHSC):**

**Section 116271. Transition of CDPH duties to State Board states in relevant part:**

- (a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:
- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
  - (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
  - (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
  - (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
  - (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
  - (6) Chapter 7 (commencing with Section 116975).
  - (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
  - (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
  - (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
  - (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
  - (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
  - (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).
- (b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...
- (k)
- (1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
  - (2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

**Section 116275. Definitions states in relevant part:**

- (c) "Primary drinking water standards" means:

- (1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.
- (2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.
- (3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

**Section 116555. Operational requirements states in relevant part:**

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.
  - (2) Will not be subject to backflow under normal operating conditions.

- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

**Section 116577. Enforcement fee states:**

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

**Section 116625. Revocation and suspension of permits states:**

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

**Section 116650. Citations states:**

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

**Section 116701. Petitions to Orders and Decisions states:**

(a)

(1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.

(2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.

(3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:

(A) Denial of an application for certification or accreditation under Section 100855.

(B) Issuance of an order directing compliance under Section 100875.

(C) Issuance of a citation under Section 100880.

(D) Assessment of a penalty under subdivision (e) of Section 100880.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.

(f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

## **California Code of Regulations (CCR), Title 22:**

### **Section 64431. Maximum Contaminant Levels--Inorganic Chemicals states:**

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A  
Maximum Contaminant Levels  
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 µm in length.

### **Section 64432. Monitoring and Compliance--Inorganic Chemicals states:**

(a) All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs in table 64431-A, pursuant to subsections (d) through (f) and Section 64432.1. All community and nontransient-noncommunity water systems shall monitor to determine compliance with the perchlorate MCL, pursuant to subsections (d), (e), and (l), and section 64432.3. All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs in

table 64431-A, pursuant to subsections (b) through (n) and, for asbestos, section 64432.2. Monitoring shall be conducted in the year designated by the State Board of each compliance period beginning with the compliance period starting January 1, 1993.

(b) Unless directed otherwise by the State Board, each community and nontransient-noncommunity water system shall initiate monitoring for an inorganic chemical within six months following the effective date of the regulation establishing the MCL for the chemical and the addition of the chemical to table 64431-A. If otherwise performed in accordance with this section, groundwater monitoring for an inorganic chemical performed no more than two years prior to the effective date of the regulation establishing the MCL may be used to satisfy the requirement for initiating monitoring within six months following such effective date.

(c) Unless more frequent monitoring is required pursuant to this Chapter, the frequency of monitoring for the inorganic chemicals listed in table 64431-A, except for asbestos, nitrate/nitrite, and perchlorate, shall be as follows:

(1) Each compliance period, all community and nontransient-noncommunity systems using groundwater shall monitor once during the year designated by the State Board. The State Board will designate the year based on historical monitoring frequency and laboratory capacity. All community and nontransient-noncommunity systems using approved surface water shall monitor annually. All systems monitoring at distribution entry points which have combined surface and groundwater sources shall monitor annually.

(2) Quarterly samples shall be collected and analyzed for any chemical if analyses of such samples indicate a continuous or persistent trend toward higher levels of that chemical, based on an evaluation of previous data.

(d) For the purposes of sections 64432, 64432.1, 64432.2, and 64432.3, detection shall be defined by the detection limits for purposes of reporting (DLRs) in table 64432-A.

**Table 64432-A**  
**Detection Limits for Purposes of Reporting (DLRs) for Regulated Inorganic Chemicals**

<i>Chemical</i>	<i>Detection Limit for Purposes of Reporting (DLR) (mg/L)</i>
Aluminum	0.05
Antimony	0.006
Arsenic	0.002
Asbestos	0.2 MFL>10um*
Barium	0.1
Beryllium	0.001
Cadmium	0.001
Chromium	0.01
Cyanide	0.1
Fluoride	0.1
Mercury	0.001
Nickel	0.01
Nitrate (as nitrogen)	0.4
Nitrite (as nitrogen)	0.4
Perchlorate	0.004
Selenium	0.005
Thallium	0.001

\* MFL=million fibers per liter; DLR for fibers exceeding 10 um in length.

(e) Samples shall be collected from each water source or a supplier may collect a minimum of one sample at every entry point to the distribution system which is representative of each source after treatment. The system shall collect each sample at the same sampling site, unless a change is approved by the State Board.

(f) A water system may request approval from the State Board to composite samples from up to five sampling sites, provided that the number of sites to be composited is less than the ratio of the MCL to the DLR. Approval will be based on a review of three years of historical data, well construction and aquifer information for groundwater, and intake location, similarity of sources, and watershed characteristics for surface water. Compositing shall be done in the laboratory.

(1) Systems serving more than 3,300 persons shall composite only from sampling sites within a single system. Systems serving 3,300 persons or less may composite among different systems up to the 5-sample limit.

(2) If any inorganic chemical is detected in the composite sample at a level equal to or greater than one fifth of the MCL, a follow-up sample shall be analyzed within 14 days from each sampling site included in the composite for the contaminants which exceeded the one-fifth-MCL level. If available, duplicates of the original sample taken from each sampling site used in the composite may be used instead of resampling; the analytical results shall be reported within 14 days. The water supplier may collect up to two additional samples each from one or more of the sources to confirm the result(s).

(3) Compliance for each site shall be determined on the basis of the individual follow-up samples, or on the average of the follow-up and confirmation sample(s) if the supplier collects confirmation sample(s) for each detection.

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the State Board within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the State Board within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the State Board within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the State Board and resample as confirmation. The water supplier shall notify the State Board of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the State Board;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the State Board.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

(j) If a system using groundwater has collected a minimum of two quarterly samples or a system using approved surface water has collected a minimum of four quarterly samples and the sample results have been below the MCL, the system may apply to the State Board for a reduction in monitoring frequency.

(k) Water quality data collected prior to January 1, 1990, and/or data collected in a manner inconsistent with this section shall not be used in the determination of compliance with the monitoring requirements for inorganic chemicals.

(l) Water quality data collected in compliance with the monitoring requirements of this section by a wholesaler providing water to a public water system shall be acceptable for use by that system for compliance with the monitoring requirements of this section.

(m) A water system may apply to the State Board for a waiver from the monitoring frequencies specified in subsection (c)(1), if the system has conducted at least three rounds of monitoring (three periods for groundwater sources or three years for approved surface water sources) and all previous analytical results are less than the MCL. The water system shall specify the basis for its request. If granted a waiver, a system shall collect a minimum of one sample per source while the waiver is in effect and the term of the waiver shall not exceed one compliance cycle (i.e., nine years).

(n) A water system may be eligible for a waiver from the monitoring frequencies for cyanide specified in subsection (c)(1) without any prior monitoring if it is able to document that it is not vulnerable to cyanide contamination pursuant to the requirements in §64445(d)(1) or (d)(2).

(o) Transient-noncommunity water systems shall monitor for the inorganic chemicals in table 64431-A as follows:

(1) All sources shall be monitored at least once for fluoride; and

(2) Surface water sources for parks and other facilities with an average daily population use of more than 1,000 people and/or which are determined to be subject to potential contamination based on a sanitary survey shall be monitored at the same frequency as community water systems.

#### **Section 64432.1. Monitoring and Compliance--Nitrate and Nitrite states:**

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the State Board of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

(A) Collect another sample, and

(B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the State Board within 24 hours. If the average does not exceed the MCL, inform the State Board of the results within seven days from the receipt of the original analysis.

(C) If a system is unable to resample within 24 hours, it shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.

(2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling.

(3) For public water systems using approved surface water, the repeat monitoring frequency shall be quarterly following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than 50 percent of the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling. A system using approved surface water shall return to quarterly monitoring if any one sample is greater than or equal to 50 percent of the MCL.



(4) After any round of quarterly sampling is completed, each community and nontransient-noncommunity system which initiates annual monitoring shall take subsequent samples during the quarter which previously resulted in the highest analytical results.

(b) All public water systems shall monitor to determine compliance with the MCL for nitrite in Table 64431-A, by taking one sample at each sampling site during the compliance period beginning January 1, 1993.

(1) If the level of nitrite in a single sample is greater than the MCL, the water supplier shall proceed as for nitrate in accordance with paragraph (a)(1) of this section.

(2) The repeat monitoring frequency for systems with an analytical result for nitrite that is greater than or equal to 50 percent of the MCL shall be quarterly monitoring for at least one year. After four consecutive quarterly samples are less than the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling, collecting subsequent samples during the quarter which previously resulted in the highest analytical results.

(3) The repeat monitoring frequency for systems with an analytical result for nitrite that is less than 50 percent of the MCL shall be one sample during each compliance period (every three years).

(c) All public water systems shall determine compliance with the MCL for nitrate plus nitrite in Table 64431-A. If the level exceeds the MCL, the water supplier shall proceed as for nitrate in accordance with paragraphs (a)(1) through (a)(4) of this section.

#### **Section 64463. General Public Notification Requirements states:**

(a) Each public (community, nontransient-noncommunity and transient-noncommunity) water system shall give public notice to persons served by the water system pursuant to this article.

(b) Each water system required to give public notice shall submit the notice to the State Board, in English, for approval prior to distribution or posting, unless otherwise directed by the State Board.

(c) Each wholesaler shall give public notice to the owner or operator of each of its retailer systems. A retailer is responsible for providing public notice to the persons it serves. If the retailer arranges for the wholesaler to provide the notification, the retailer shall notify the State Board prior to the notice being given.

(d) Each water system that has a violation of any of the regulatory requirements specified in section 64463.1(a), 64463.4(a), or 64463.7(a) in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system may limit distribution of the notice to only persons served by that portion of the system that is out of compliance, if the State Board has granted written approval on the basis of a review of the water system and the data leading to the violation or occurrence for which notice is being given.

(e) Each water system shall give new customers public notice of any acute violation as specified in section 64463.1(a) that occurred within the previous thirty days, any continuing violation, the existence of a variance or exemption, and/or any other ongoing occurrence that the State Board has determined poses a potential risk of adverse effects on human health [based on a review of estimated exposures and toxicological data associated with the contaminant(s)] and requires a public notice. Notice to new customers shall be given as follows:

(1) Community water systems shall give a copy of the most recent public notice prior to or at the time service begins; and

(2) Noncommunity water systems shall post the most recent public notice in conspicuous locations for as long as the violation, variance, exemption, or other occurrence continues.

#### **Section 64463.1. Tier 1 Public Notice states:**

(a) A water system shall give public notice pursuant to this section and section 64465 if any of the following occurs:

(1) Violation of the total coliform MCL when:

(A) Fecal coliform or *E. coli* are present in the distribution system; or

(B) When any repeat sample tests positive for coliform and the water system fails to test for fecal coliforms or *E. coli* in the repeat sample;...

(b) As soon as possible within 24 hours after learning of any of the violations in subsection (a) or being notified by the State Board that it has determined there is a potential for adverse effects on human health [pursuant to paragraph (a)(4), (5), or (6)], the water system shall:

(1) Give public notice pursuant to this section;

(2) Initiate consultation with the State Board within the same timeframe; and

(3) Comply with any additional public notice requirements that are determined by the consultation to be necessary to protect public health.

(c) A water system shall deliver the public notice in a manner designed to reach residential, transient, and nontransient users of the water system and shall use, as a minimum, one of the following forms:

(1) Radio or television;

(2) Posting in conspicuous locations throughout the area served by the water system;

(3) Hand delivery to persons served by the water system; or

(4) Other method approved by the State Board, based on the method's ability to inform water system users.

#### **Section 64463.1. Tier 1 Public Notice states:**

(a) A water system shall give public notice pursuant to this section and section 64465 if any of the following occurs:

(1) Violation of the total coliform MCL when:

(A) Fecal coliform or *E. coli* are present in the distribution system; or

(B) When any repeat sample tests positive for coliform and the water system fails to test for fecal coliforms or *E. coli* in the repeat sample;

(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL;

(3) Violation of a Chapter 17 treatment technique requirement resulting from a single exceedance of a maximum allowable turbidity level if:

(A) The State Board determines after consultation with the water system and a review of the data that a Tier 1 public notice is required; or

(B) The consultation between the State Board and the water system does not take place within 24 hours after the water system learns of the violation;

(4) Occurrence of a waterborne microbial disease outbreak, as defined in section 64651.91, or other waterborne emergency, a failure or significant interruption in water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that has the potential for adverse effects on human health as a result of short-term exposure;

(5) Other violation or occurrence that has the potential for adverse effects on human health as a result of short-term exposure, as determined by the State Board based on a review of all available toxicological and analytical data;

(6) Violation of the MCL for perchlorate or when a system is unable to resample within 48 hours of the system's receipt of the first sample showing an exceedance of the perchlorate MCL as specified in section 64432.3(d)(3);

(7) For chlorite:

(A) Violation of the MCL for chlorite;

(B) When a system fails to take the required sample(s) within the distribution system, on the day following an exceedance of the MCL at the entrance to the distribution system; or

(C) When a system fails to take a confirmation sample pursuant to section 64534.2(b)(4); or

(8) Violation of the MRDL for chlorine dioxide; or when a system fails to take the required sample(s) within the distribution system, on the day following an exceedance of the MRDL at the entrance to the distribution system.

(b) As soon as possible within 24 hours after learning of any of the violations in subsection (a) or being notified by the State Board that it has determined there is a potential for adverse effects on human health [pursuant to paragraph (a)(4), (5), or (6)], the water system shall:

(1) Give public notice pursuant to this section;

(2) Initiate consultation with the State Board within the same timeframe; and

(3) Comply with any additional public notice requirements that are determined by the consultation to be necessary to protect public health.

(c) A water system shall deliver the public notice in a manner designed to reach residential, transient, and nontransient users of the water system and shall use, as a minimum, one of the following forms:

(1) Radio or television;

(2) Posting in conspicuous locations throughout the area served by the water system;

(3) Hand delivery to persons served by the water system; or

(4) Other method approved by the State Board, based on the method's ability to inform water system users.

#### **Section 64465. Public Notice Content and Format states:**

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time."

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).

(1) An explanation of the reasons for the variance or exemption;

(2) The date on which the variance or exemption was issued;

(3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and

(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or

2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

#### **Appendix 64465-D. Health Effects Language - Inorganic Contaminants.**

<b>Contaminant</b>	<b>Health Effects Language</b>
Nitrate	Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

#### **Section 64469. Reporting Requirements states:**

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the State Board no later than the tenth day of the following month.

(b) Analytical results of all sample analyses completed by water wholesalers in a calendar month shall be reported to retail customers and the State Board no later than the tenth day of the following month.

(c) Analytical results shall be reported to the State Board electronically using the Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated April 2001.

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

#### **Section 64481. Content of the Consumer Confidence Report states in relevant part:**

(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.

**Section 63750.25. Chief Operator** "Chief operator" means the person who has overall responsibility for the day-to-day, hands-on, operation of a water treatment facility or the person who has overall responsibility for the day-to-day, hands-on, operation of a distribution system.

# Appendix 2

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## **IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

### **DRINKING WATER PROBLEM CORRECTED**

The California Institution for Men was notified on May 24, 2018 of high levels of nitrate in the drinking water. We are pleased to report that the problem has been corrected. We apologize for any inconvenience and thank you for your patience.

Water sample results received on May 16, 2018 and May 18, 2018 showed nitrate levels of 47 and 16.6 milligrams per liter. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter.

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Nitrate in drinking water is a serious health concern for infants less than six months old. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women. If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

For more information, please contact Isaac Morales at 909-606-7082 or [isaac.morales@cdcr.ca.gov](mailto:isaac.morales@cdcr.ca.gov).

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the California Institution for Men.

State Water System ID#: 3610850 Date distributed: 6/6/18.

# Appendix 3

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## COMPLIANCE CERTIFICATION

Name of Water System: California Institution for Men

System Number: 3610850

### Certification

I certify that the users of the water supplied by this water system were notified of the nitrate maximum contaminant level (MCL) violation of California Code of Regulations, Title 22, Section 64431 for the compliance period of May 2018 and the required actions listed below were completed.

Required Action	Date Completed
Public Notification Method(s) Used: <u>Flyers hung in living units and Admin, Kitchen Buildings</u>	<u>060618</u>



Signature of Water System Representative

060618

Date

Attach a copy of the public notice distributed to the water system's customers.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,  
DIVISION OF DRINKING WATER, NO LATER THAN June 10, 2018.

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.